

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

STEVEN J. VANGSNESS,	)	
	)	
Plaintiff,	)	8:07CV205
	)	
v.	)	
	)	
SCHWAN'S SALES ENTERPRISES,	)	ORDER
INC.,	)	
	)	
Defendant.	)	
	)	

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This matter is before the court on the defendant's motions to dismiss and to remand. Filing Nos. 5 and 11. The plaintiff has amended his complaint. See Filing No. 26. In his Amended Complaint, plaintiff alleges breach of contract, wrongful termination, age discrimination and defamation. Defendant's motion to dismiss was directed at the original complaint and the motion to remand was based on plaintiff's alleged failure to allege the minimum jurisdictional amount in the original complaint. The filing of the Amended Complaint renders both the motion to dismiss and the motion to remand moot. Accordingly,

IT IS ORDERED:

1. Defendant's motion to dismiss (Filing No. 5) is denied as moot.
2. Defendant's motion to remand (Filing No. 11) is denied as moot.

DATED this 20<sup>th</sup> day of July, 2007.

BY THE COURT:

s/ Joseph F. Bataillon  
Chief United States District Judge